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**Written Testimony Opposing
Raised Bill No. 6698
An Act Concerning Grand Jury Reform**

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is David McGuire. As the Staff Attorney for the ACLU of Connecticut, I am here to oppose Raised Bill No. 6698, An Act Concerning Grand Jury Reform.

Currently, the grand jury system is reserved for special circumstances and may only be employed for specific types of crimes. This bill would remove necessary safeguards that protect innocent peoples' Fourth Amendment and other federal and state constitutional rights from the most powerful investigative tool available to prosecutors. This bill would practically invite constitutional violations by making it significantly easier for prosecutors to convene a grand jury and will substantially increase the number of grand jury applications made and granted, as well as result in overly broad and invasive investigations.

Currently, applications for an investigation into the commission of a crime require the applicant to reasonably believe that the investigation will lead to a finding of probable cause that a crime or crimes have been committed. This bill would eviscerate the current well-settled standard by only requiring the applicant to assert that the "interests of justice" require the use of an investigatory grand jury. The proposed "interest of justice" standard is not rigorous enough to protect the constitutional rights of those impacted by the grand jury process. Additionally, prosecutors would no longer have to demonstrate that there are no other means of obtaining sufficient information as to whether a crime has been committed or the identity of the person or persons who may have committed a crime.

It is important to remember that this bill's relaxed standards will result in innocent people, including those not suspected of a crime, being compelled to appear before a grand jury. These people will be held in contempt if they do not respond to the grand jury subpoena and testify or produce property. Property can include personal documents, medical and mental health records and computers.

Under the proposed scheme, applications for a grand jury would be made to the presiding judge and not to a panel of three judges as required under current law. The bill doubles the time period for a grand jury to convene from 6 months to 12 months and allows for extensions of time to be granted if the minimal "interests of justice" standard is satisfied. These changes and other proposed amendments would significantly increase prosecutors' ability to convene a grand jury. This will lead to misuse and overuse of a process that was originally intended to serve as a last resort for the state.

This bill would remove essential safeguards on one of the most powerful investigative tools available to prosecutors. These safeguards are necessary to protect the citizens who are subpoenaed to testify before grand juries in Connecticut. For these reasons the ACLU-CT urges this committee to reject Raised Bill 6698.